IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WA.No. 305 of 2007

(AGAINST THE JUDGEMENT IN OP.1622/2001 Dated 19/07/2006)

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APPELLANT/PETITIONER:

GENERAL SECRETARY,
SOUTH INDIAN BANK LTD. HEAD CLERKS ASSOCIATION,
KOTTAYAM.

BY ADVS. SRI.K.BALACHANDRAN (MANGALATH)
SRI.RAJESH NAIR &
SRI.BIJOY CHANDRAN

RESPONDENTS/RESPONDENTS:

1. THE INDUSTRIAL TRIBUNAL,
PALAKKAD.

2. THE CHAIRMAN,
SOUTH INDIAN BANK LTD.,
TRICHUR,
KERALA.

R1 BY GOVERNMENT PLEADER SMT.K.MEERA
R2 BY ADVS. SRI.M.PATHROSE MATTHAI (SR.)
& SRI.SAJI VARGHESE

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No. 305 of 2007

Dated this the 10th day of October, 2007.

J U D G M E N T

H.L.Dattu, C.J.

The petitioner/appellant is a registered trade union. It has membership of 10 workmen. Even that is also disputed by the 2nd respondent. The finding in this regard by the Labour Court is that it has only 5 members in the union. The union has approached the Labour Court for grant of certain reliefs. The Labour Court being of the opinion that, at the instance of 5 members of the union, it cannot entertain the dispute, and has further observed that if any award is passed at the instance of the petitioners it affect the interest of 3800 workmen working in the second respondent Bank, and, therefore, without going into the merits of the dispute raised by the petitioner union, has rejected the dispute, solely on the ground that the same has not been maintainable before it. Aggrieved by the award so passed by the Labour Court, the union was before this Court in O.P.No.1622 of 2001.

(2). The learned Single Judge, after noticing several decisions of the Apex Court has come to the conclusion that the petitioner union which has only 5 members cannot espouse cause of 3800 workmen. Further, the Court is of the opinion that, at the instance of 5 members if any award is passed, that would affect the interest of 3800 workmen working in the second respondent Bank.

(3). Having gone through the orders passed by the learned Single Judge and also the decisions on which reliance is placed by the learned counsel appearing for the petitioner/appellant, we are of the opinion that the learned Single Judge was fully justified in rejecting the writ petition and thereby confirming the orders passed by the Labour Court. Therefore, appeal requires to be rejected and it is rejected.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

MS/DK.